

EXHIBIT 5

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 10-80252-CIV-RYSKAMP/HOPKINS

SUZANNE STONE MARSHALL, ADELE FOX,
MARSHA PESHKIN, and RUSSELL OASIS,
individually and on behalf of a class of similarly situated

Plaintiffs,

v.

CAPITAL GROWTH COMPANY;
DECISIONS, INC.;
FAVORITE FUNDS;
JA PRIMARY LIMITED PARTNERSHIP;
JA SPECIAL LIMITED PARTNERSHIP;
JAB PARTNERSHIP;
JEMW PARTNERSHIP;
JF PARTNERSHIP;
JFM INVESTMENT COMPANIES;
JLN PARTNERSHIP;
JMP LIMITED PARTNERSHIP;
JEFFRY M. PICOWER SPECIAL COMPANY;
JEFFRY M. PICOWER, P.C.;
THE PICOWER FOUNDATION;
THE PICOWER INSTITUTE OF MEDICAL
RESEARCH;
THE TRUST F/B/O GABRIELLE H. PICOWER;
BARBARA PICOWER, individually, and as Executor of
the Estate of Jeffry M. Picower, and as Trustee for the
Picower Foundation and for the Trust f/b/o Gabriel H.
Picower.

Defendants.

**ORDER DENYING MOTION FOR EMERGENCY HEARING AND MOTION FOR
LIMITED RELIEF FROM STAY**

THIS CAUSE comes before the Court pursuant to Becker & Poliakoff LLP and Becker &
Poliakoff P.A., as counsel for Plaintiffs, March 12, 2014 **[DE 52]** motion requesting that this

Court lift the stay entered February 21, 2014 for the purpose of scheduling an emergency hearing on Defendants' motion to stay and on Plaintiffs' cross motion for injunctive relief.

On March 11, 2014, Bankruptcy Trustee Irving Picard filed an Amended Complaint against several parties, including the Plaintiffs, in the Bankruptcy Court for the Southern District of New York. *See Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities, LLC*, Case No. 08-01789, DE 5807. Picard seeks an order enjoining Plaintiffs from proceeding in this Court on the ground that their claims are duplicative and derivative of the Trustee's settled action against the Picower defendants. It is hereby

ORDERED AND ADJUDGED that the motion is DENIED. The Court declines to conduct an emergency hearing on the question of whether to enjoin the New York action. Rather, this Court defers to the Bankruptcy Court for the Southern District of New York for a ruling on Picard's motion to enjoin the instant action.

DONE AND ORDERED at Chambers in West Palm Beach, Florida, this 14th day of March, 2014.

S/Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE